

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INCIPIENT, INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	1:08-CV-10613-NG
)	
INTERNATIONAL BUSINESS)	
MACHINES CORPORATION,)	
)	
Defendant.)	
)	

**JOINT NOTICE OF VOLUNTARY DISMISSAL
OF CLAIMS AND COUNTERCLAIMS**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the plaintiff, Incipient, Inc., by its counsel, hereby dismisses *with prejudice*, without costs, and waiving all rights of appeal, all claims it asserted in this action against International Business Machines Corporation.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and Fed. R. Civ. P. 41(c), the defendant, International Business Machines Corporation, by its counsel, hereby dismisses *with prejudice*, without costs, and waiving all rights of appeal, all claims it asserted in this action against Incipient, Inc.

Respectfully submitted,

INCIPIENT, INC.,

By its attorneys,

_____/s/ Felicia H. Ellsworth
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INTERNATIONAL BUSINESS MACHINES
CORPORATION

By its attorneys,

_____/s/ Jennifer M. Ryan_____
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Dated: April 10, 2009